

REMARKS

Reconsideration and withdrawal of the rejections of the present application are respectfully requested in view of the amendments and remarks presented herewith. The present amendment is being made to facilitate prosecution of the application.

I STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 26-56 are currently pending in this application. By this paper, Claim 43 has been amended, without prejudice. No new matter has been introduced by this amendment. Support for the amended recitations can be found throughout the specification.

The amendments as presented herein are not made for the purposes of patentability within the meaning of §§§§101, 102, 103, and 112. Rather, these amendments are made for purposes of clarity, to place the application into condition for allowance, and to round out the scope of protection to which Applicants are entitled.

II REJECTIONS UNDER 35 U.S.C. §112 HAVE BEEN OVERCOME

Claim 43 was rejected under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regards as the invention. Claim 43 has been amended in this response. The rejection is therefore traversed.

III REJECTIONS UNDER 35 U.S.C. §§ 102(b) & 103(a) HAVE BEEN OVERCOME

Claims 26-56 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,888,915 to Denton et al. (hereinafter merely "Denton").

Claim 26 recites:

“A textile structure made in a manner comprising the steps of:

spiral winding machine direction (MD) yarns to form a system having a defined width;

and

depositing a pattern of cross machine direction (CD) elements onto said system of MD yarns.” (emphasis added)

Applicant submits that Denton relates to paper machine clothing comprised of bicomponent fibers in both the machine and cross machine direction. In Denton, a fused, bonded structure of bicomponent fibers is formed, where the sheath component has a melting point lower than the core component. The fabric constructed of bicomponent fibers is heated to a temperature greater than the melting point of the sheath component and lower than the melting point of the core component, and subsequently cooled to below melt temperature of the sheath component, forming a fused, bonded structure. As compared in the instant invention, an array of machine direction (MD) yarns are spirally wound to form a system having a defined width, and then the MD yarns are connected in the cross machine direction (CD) by way of CD elements formed or deposited on the MD yarns. Applicant submits that Denton, however, does not teach, disclose or suggest this feature of depositing a CD element rather than a yarn. In addition, Denton also fails to teach or suggest spiral winding machine direction (MD) yarns as claimed in claim 26.

Further in the Office Action, claims 26-35, 39-42, and 44-56 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,360,656 to Rexfelt et al. (hereinafter merely “Rexfelt”).

Rexfelt relates to a press fabric comprising a base fabric which is made of fabric of yarn material and is endless in the machine direction, and one or more layers of fiber material is arranged on the base fabric. The base fabric comprises layers composed of a spirally-wound strip of fabric material and having a width which is smaller than the width of the final base fabric. According to Rexfelt, longitudinal threads of the spirally-wound fabric strip of yarn material make an angle with the machine direction of the fabric. The fabric strips of Rexfelt are flat woven using longitudinal and crosswise threads in machine and cross machine directions. Rexfelt, thus, is directed to spiral winding of fabric strips, and not yarns. As compared, in the present invention, arrays of MD yarns are spirally wound to form a system having a defined width. The MD yarns are then connected in the cross machine direction through the deposition of CD elements not yarns. Applicant submits that Rexfelt does not teach or suggest spiral winding of MD yarns nor the deposit of CD elements as claimed in claim 26.

Claims 26-56 were also rejected under 35 U.S.C. §102(b) as allegedly being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as being obvious over now U.S. Patent 6,491,794 to Davenport (hereinafter merely "Davenport").

Davenport relates to an on-machine-seamable papermaker's fabric having a base structure which is a flattened array of a spirally wound multicomponent yarn. In each turn of the spiral winding, the multicomponent yarn has a substantially lengthwise orientation and is joined side-by-side to those adjacent thereto by a fusible thermoplastic material in each of the two layers. The multicomponent yarn of Davenport forms seaming loops along the two widthwise edges and multiple layers of staple fiber material are needled into one of the two sides of the base structure. Applicant submits that Davenport, however, does not teach or suggest depositing a pattern of

cross machine direction (CD) elements onto a system of MD yarns. In the instant invention, CD elements are created on the MD yarn system by depositing a polymer resin orthogonally thereto on one or both surfaces thereof so as to obtain a system of CD elements interlocking with the MD yarns and the CD elements are subsequently cured to obtain a solid system of CD elements, or if a molten polymer is used, it is subsequently cooled to obtain a solid system of CD elements. In the present invention, CD elements contribute to fabric stability and other functional characteristics such as permeability to air and/or water, structural void volume or caliper of the textile substrate. According to Davenport, there are no cross-machine-direction (CD) yarns in that fabric, and the base structure has CD stability because of the bonding of the machine-direction (MD) yarns side-by-side to one another.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to modify the reference or to combine reference teachings either in the references themselves or in the general knowledge available to one of ordinary skill in the art; second, there must be a reasonable expectation of success; third, the prior art reference or references must teach or suggest all the claim limitations. M.P.E.P. § 2143. It is, however, impermissible for the Examiner to use hindsight based on an Applicant's disclosure to determine that an Applicant's invention is obvious in view of the cited art. M.P.E.P. § 2142. The motivation or teaching to make the claimed combination by modifying or combining prior art references must be found in the prior art and not in the Applicant's disclosure. *In re Vaeck*, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Since Davenport does not teach or suggest the use of separate CD elements, there is no motivation for a person skilled in the

papermaker's art to combine Davenport with either Denton or Rexfelt. Also, the presence of CD elements within the fabric clearly distinguishes the present invention from Davenport.

In view of the foregoing, Applicant submits that claim 26 therefore patentable.

#### **IV. DEPENDENT CLAIMS**

The other claims are dependent from claim 26, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

#### **CONCLUSION**

By this Amendment, this application is believed to be in condition for allowance. Favorable reconsideration of the application, withdrawal of the rejections, and prompt issuance of the Notice of Allowance are, therefore, all earnestly solicited.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

A handwritten signature in black ink, appearing to read 'Ronald R. Santucci', is written over a horizontal line.

Ronald R. Santucci  
Reg. No. 28,988  
Tel. No. (212) 588-0800